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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 JAMES ALLEN KINNEY, ) CASE NO.: C08-0489-RAJ-MAT  
09 )  
Petitioner, )  
10 )  
v. ) ORDER NOTING PETITIONER'S  
11 ) MOTION TO WITHDRAW AND  
JEFFREY A. UTTECHT, ) DIRECTING RESPONDENT TO  
12 ) RESPOND  
Respondent. )  
\_\_\_\_\_ )

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14 Petitioner is a Washington state prisoner who has filed a pro se habeas petition, to which  
15 respondent has filed an answer. Petitioner's petition is noted for consideration by the Court on  
16 September 19, 2008. Petitioner recently filed a motion to withdraw the petition. (Dkt. No. 37).  
17 Petitioner did not include in the motion a noting date, as required by the Local Rules. Therefore,  
18 the Court does hereby ORDER as follows:

19 (1) The Clerk shall NOTE petitioner's motion to withdraw his habeas petition (Dkt.  
20 No. 37) for consideration by the Court on **September 19, 2008**. Respondent shall file a response  
21 no later than **September 15, 2008**. Petitioner may file a reply no later than **September 19, 2008**,

22 (2) The Clerk shall forward a copy of this Order to petitioner, to counsel for

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01 respondent, and to the Honorable Richard A. Jones.

02 DATED this 2nd day of September, 2008.

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04 Mary Alice Theiler  
05 United States Magistrate Judge  
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